IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 13TH JULY 2006 / 22ND ASHADHA,1928

Bail Appl..No. 4202 of 2006

CC.247/2000 of J.M.F.C.,VAIKOM

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PETITIONERS

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1. MARKOSE, S/O.MATHAI,
   THACHETTU HOUSE, KANJIRAMATTOM.P.O,
   AMBALLOOR VILLAGE, ERNAKULAM DISTRICT.

2. MOLLY MARKOSE, W/O.MARKOSE,
   THACHETU HOUSE, KANJIRAMATTOM.P.O,
   AMBALLOOR VILLAGE, ERNAKULAM DISTRICT.

BY ADV. SRI.GEORGE SIMON
SRI.C.K.SREEJITH

RESPONDENTS:

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1. STATE OF KERALA,
   REP. BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA,
   ERNAKULAM.

2. C.M.ROY, S/O.MARKOSE,
   CHERUKOTHU HOUSE, KULASEGARAMANGALAM VILLAGE,
   CHEMBU, VAIKAM TALUK.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4202/2006

DATED THIS THE 13TH DAY OF JULY, 2006

O R D E R

The petitioners are the accused, in C.C.No.247/2000 on the file of the Judicial Magistrate of First Class, Vaikom. During the pendency of the proceedings, both of them had absconded. Hence, a non bailable warrant was issued against them. They are before this Court, under Section 438 Cr.P.C.

2. I heard both sides. The learned counsel submitted that the petitioners were in Bangalore for giving treatment to their child, who was having some psychic problem. The learned Public Prosecutor brought to my notice that the steps against the petitioners had already been initiated, under Sections 82 and 83 of the Code of Criminal Procedure.

3. In the facts an circumstances of this case, I direct the petitioners to surrender before the Judicial Magistrate of First Class, Vaikom, on 20.7.2006 at 11.00

a.m. On appearance of the petitioners before that Court, they shall produce the documents, in relation to the treatment of the child for psychic disorder, and on having satisfied of the same, the learned Magistrate shall release the petitioners on bail, imposing such conditions, as are deemed necessary. If the copy of the bail application is served on the Prosecutor well in advance of the surrender, the learned Magistrate shall dispose of the same, on the same day itself.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs